

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE:

B-182929

DATE:

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MATTER OF:

Travis Stevenson - Reimbursement of Forfeited
Deposit

DIGEST:

Employee who was in the process of purchasing new residence incident to a transfer, and was prevented from completing the purchase transaction by a second transfer, may be reimbursed for \$100 deposit he forfeited when he failed to complete the purchase, as a miscellaneous expense under FTR para. 2-3.1 et seq., subject to limitations on amount payable contained in that paragraph.

This matter is before us based upon a request for an advance decision that has been submitted by an Authorized Certifying Officer of the United States Department of Agriculture (USDA). The issue presented is whether an employee may be reimbursed for the deposit he forfeited when he was prevented from completing the purchase of a new home by a transfer to a new duty station.

Effective June 12, 1974, Mr. Travis Stevenson, an employee of the USDA, Soil Conservation Service, was transferred from Las Cruces to Aztec, New Mexico. Incident to this transfer he entered into a contract to purchase a residence at his new duty station. Before Mr. Stevenson could go to settlement and complete the transaction, he was transferred again from Aztec to Grants, New Mexico, pursuant to AD-202, Travel Authorization 163530012, dated August 15, 1974.

Mr. Stevenson incurred the following expenses relating to the cancellation of the purchase transaction:

credit report	\$ 13.92
FHA appraisal fee	\$ 40.00
forfeited deposit	\$100.00

Under the authority of E-162274, September 11, 1967, Mr. Stevenson was reimbursed for the cost of the credit report and the FHA appraisal, but not for the deposit he lost. He is now reclaiming that amount, contending that it is reimbursable as a miscellaneous expense under 5 U.S.C. § 5724a(b) (1970), as implemented by Federal Travel Regulations (FPMR 101-7) para. 2-3.1 et seq. (May 1973).

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It is true that in B-162274, supra, the claimant was not reimbursed for the deposit that he had forfeited. However, it was not contended there that this item was a miscellaneous expense and that theory of reimbursement was not considered. In more recent cases, that theory has been considered and has been adopted. See B-170632, September 10, 1970; B-177595, March 2, 1973; and B-180377, August 8, 1974.

Accordingly, Mr. Stevenson may be reimbursed for the \$100 deposit he forfeited, as a miscellaneous expense under FTR para. 2-3.1 et seq. However, we call attention to the limitations on the amount payable for miscellaneous expenses contained in para. 2-3.3, especially subparagraph (b) which requires that each item claimed as a miscellaneous expense be separately documented if the \$100 and \$200 undocumented limitations are exceeded.

R.F. KELLER

Deputy Comptroller General
of the United States